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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 009295

SIPDIS

DEPT. ALSO FOR PRM, L AND S/CT
GENEVA FOR RMA

E.O. 12958: DECL: 11/29/2015

TAGS: PHUM KJUS PGOV PINS MOPS IZ JO

SUBJECT: DETAINEE ABUSE: ICRC ON DETENTION FACILITY ACCESS,
SADDAM

REF: BAGHDAD 4672 AND PREVIOUS

Classified By: DCM Daniel Rubinstein for reasons 1.4 (b) and (d).

11. (C) SUMMARY: The International Committee of the Red Cross (ICRC)'s Iraq mission (based in Amman) plans to seek access to Iraqi detention facilities as well as non-permanent places of detention under MNF-I control over the next three weeks. Iraq ICRC Head of Delegation Karl Mattli told visiting PRM officials that ICRC Geneva had just authorized a return mission to Baghdad, tentatively scheduled for December 6-8, to launch negotiations with the GOI on an access MOU. ICRC is also preparing to send a mission to Washington December 12-17 to press for more access to detention facilities under MNF-I control, including Division Internment Facilities/Brigade Internment Facilities. Mattli also told visiting PRM officials that ICRC lawyers are tracking the Saddam Hussein trial closely, and that internal ICRC procedures could force them to go public with their concerns over an alleged lack of fundamental judicial guarantees. END SUMMARY.

ICRC NEEDS AN MOU TO ACCESS IRAQI DETENTION FACILITIES

12. (C) Karl Mattli, ICRC's new, Amman-based Iraq Delegation Head, told visiting PRM A/S Greene November 17 that Geneva had just approved a plan to "re-think ICRC's whole modus operandi in Iraq." Mattli explained that ICRC would start scaling-back the humanitarian aid activities it resumed in Iraq earlier this month, such as its ongoing effort to deliver water to 1200 displaced families in Tal Afar and neighboring villages, to "acute emergencies" in order to focus on key protection issues, such as gaining access to Iraqi detention facilities. Mattli explained that ICRC currently has no access to any detention facilities under Iraqi control because it has no agreement with the GOI; securing such an agreement was one of his top priorities. NOTE: ICRC signed two MOUs with the PUK and PKK in 1994 that gives it limited access to facilities in the north. END NOTE. In a subsequent November 27 telcon, Mattli informed refcoord that ICRC Geneva had just approved a joint ICRC Geneva/Iraq mission to Baghdad to start negotiating detention facility access with the GOI. Mattli said ICRC hoped to send its next mission to Baghdad as soon as December 6.

13. (C) Mattli added that ICRC was conducting interviews with new arrivals at MNF-I detention facilities to monitor treatment of detainees under MOI and Iraqi police control, and that these interviews suggested that abuse in Iraqi detention was widespread and often severe. During a mid-October visit to the MNF-I facility in Bucca, for example, Mattli said that all 59 new arrivals his team interviewed reported problematic treatment. Some cases showed evidence of serious abuse, including electric shock, rape and beatings. Mattli said that ICRC was trying to expand its traditional military training to Iraqi line ministries in response. In addition to maintaining the training in humanitarian law concepts that ICRC has been providing to Iraqi military officers (at the invitation of the Jordanian military), Mattli said his mission was unilaterally trying to launch a course for MOI officials. ICRC had successfully recruited Iraqi Ministry of Interior, Health and Justice officials to participate in an inaugural seminar scheduled to take place in Amman this month, but he noted that there were still critical gaps, particularly lack of participation by the Iraqi police forces.

ICRC TO PRESS FOR NON-PERMANENT FACILITY ACCESS

14. (C) While noting that recent ICRC discussions with the U.S. military on detention conditions at MNF-I facilities were "highly constructive," and that ICRC has no serious concerns about detainee treatment in the permanent MNF-I facilities it regularly visits, Mattli underscored ICRC's concern that it still lacks access to non-permanent facilities under U.S. control. He expressed particular concern that an MNF-I website page describing detention procedures was updated on September 5 (www.mnf-iraq.com/tf134/humane.htm) with an inaccurate claim that ICRC has "open access to all detention facilities,

including Division Internment Facilities/Brigade Internment Facilities." Mattli said ICRC plans to request access to non-permanent detention facilities under U.S. control in Washington next month, noting that ICRC has tentatively scheduled that mission to take place December 12-17.

SADDAM HUSSEIN TRIAL: ICRC MAY GO PUBLIC WITH CONCERNS

15. (C) Turning to other issues of concern to ICRC, Mattli revealed that ICRC lawyers following the trial of Saddam Hussein have concerns that fundamental judicial guarantees are not being respected. Mattli said that ICRC procedures, particularly in cases involving the death penalty, would require ICRC to take an active, possibly even a public, position.

16. (U) Acting PRM A/S Greene and Embassy Baghdad cleared this message.
HALE